



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, December 3, 2019

6:00 PM

City Council Chambers

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630 E. Hopkins

### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:01 p.m. Tuesday, December 3, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Council Member Gonzales was absent this evening.**

**Present:** 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore and Council Member Maxfield Baker

**Absent:** 1 - Council Member Saul Gonzales

### III. Invocation

**Reverend Todd Salmi, Pastor at Texas State United Campus Ministry will provide this evening's invocation.**

### IV. Pledges Of Allegiance - United States And Texas

**Travis Alvarez, a student at San Marcos Preparatory School, led the assembly in the pledges of allegiance.**

### V. 30 Minute Citizen Comment Period

**Kelly Stone, stated she was out of town for the last meeting. She asked why are we going back to archaic policy of a juvenile curfew as this invites profiling of youth. On Item #9 of the agenda it is discussing an Interlocal Agreement regarding management of key recreation areas. She wants to make sure this isn't confused with Cape's Dam. She spoke as a member of the Parking Advisory Board, and she stated they were awarded \$500,000 by the TIRZ #5 Board to create an e-cab shuttle service to help with downtown parking for employees. She spoke on item #16 which is the appointment of a member to the TIRZ # 5 board and would like Kyle Mylius to be considered for the mutually agreed upon position. "Free the river".**

**Albert Sierra, Director of the San Marcos Housing Authority, spoke on the Lantana Project (item #14) and stated this steady stream of income would be helpful to the Housing Authority. He encouraged Council to vote for a no objection on this item. He stated the residence that would occupy this housing complex are on the bottom of the economic ladder.**

**Roland Saucedo, stated he is making his Christmas wish list. In January, he would like to see the affordable housing action plan approved to keep the momentum going. He stated that he served on this commission and they spent numerous hours working on this. He would like to see the small area plan come forward. If we had this plan in place there are two projects that wouldn't have been developed. He wants to know where we are on flooding. Last, but not least, he asked that Council consider what they are doing when we have projects like Lantana and other affordable housing projects that come in. They are put on hold and they are very good to this community. He asked that council be careful when defining what a food desert is and he would like to see these housing projects move forward because it provides housing to those that need it most. These are not in food deserts.**

## **CONSENT AGENDA**

**A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to approve the consent agenda, with the exception of item #1a, 2, 3, 5, 9, and 10 which were pulled and considered separately. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

- 1. Consider approval, by motion, of the following meeting Minutes:**
  - A. June 5, 2019 - Code SMTX Workshop Minutes**
  - B. November 18, 2019 - Special Meeting Minutes**
  - C. November 19, 2019 - Work Session Meeting Minutes**
  - D. November 19, 2019 - Regular Meeting Minutes**

**A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin to postpone item 1(A). The motion to postpone carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

2. Consider approval of Ordinance 2019-43, on the second of two readings, amending section 6.2.2 of the planned development district standards for the Trace Planned Development District generally located East of IH-35 and South of Posey Road to allow two story multifamily residential buildings as the only required elevations without including three and four story buildings; and including procedural provisions.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2019-43, on the second of two readings. The motion to approve failed by the following vote:**

**For:** 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Marquez

**Against:** 3 - Council Member Derrick, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Absent:** 1 - Council Member Gonzales

3. Consider approval of Ordinance 2019-44, on the second of two readings, amending Chapter 2, Division 3 - Neighborhood Commission, Sections 2.111 And 2.113 of the San Marcos City Code to allow one representative to represent both Sector 1 and Sector 8, and update the Neighborhood Commission's Activities and Duties previously recommended by the Neighborhood Commission to the City Council; and declaring an effective date.

**MAIN MOTION: a motion was made by Mayor Hughson, seconded by Council Member Baker, to approve Ordinance 2019-41, on the second of two readings.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2019-44, on the second of two readings by deleting the word "Associated" three times in section 2.111 and deleting the word "Association" in the summary chart. This is because the word "Associated" was dropped from "Associated Student Government" a few years ago. The section will now read:**

**There is hereby established the neighborhood commission. The commission is composed of ten voting members and three alternates appointed by the city council. Nine members will be citizens who reside in sectors 1, 2, 3, 4, 5, 6, 7, 8 and 9 as previously established in San Marcos by the Horizons Master Plan. The city council will consider recommendations from sector residents and organizations such as homeowners associations or the Council of Neighborhood Associations (CONA). At least one member of the**

**neighborhood commission shall be a member nominated by CONA. A member shall be a representative nominated by the Texas State University Division of Student Affairs. Three alternate voting member positions shall be appointed; one from Sector 5, Sector 6, and the Texas State University Student Government Representative. The alternates can be counted toward a quorum and vote in absence of any member of the ten voting slots. The Texas State University Student Government Representative, also considered an alternate, will act as a tie breaker to any tie vote and shall be a representative nominated by the Texas State University Student Government.**

**The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

**MAIN MOTION: to approve Ordinance 2019-44, on the second of two readings, as amended.**

4. Consider approval of Resolution 2019-243R, awarding a design contract to BGE, Inc. in the estimated amount of \$165,105 for preliminary engineering and field services for the Wallace Addition Offsite Drainage Improvements Project; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2019-244R, approving the purchase and installation of replacement carpet for the San Marcos Activity Center from Mohawk Carpet Distribution, Inc. through the Texas Local Government Purchasing Cooperative BuyBoard (BuyBoard Contract No. 561-18) in the amount of \$86,639.46; authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

**MAIN MOTION: a motion was made by Mayor Hughson, seconded by Council Member Derrick, to approve Resolution 2019-244R.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore to amend Resolution 2019-244R, by removing the words "for the Natorium" within part 1 of the Resolution, as updated by Staff. The section now reads: PART 1. The purchase and installation of replacement carpet at the San Marcos Activity Center from Mohawk Carpet Distribution, Inc. through the Texas Local Government Purchasing Cooperative BuyBoard (BuyBoard Contract No. 561-18) in the amount of \$86,639.46 is approved.**

**The motion to amend carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

**MAIN MOTION: to approve Resolution 2019-244R, as amended. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

6. Consider approval of Resolution 2019-245R, approving a renewal of the advertising agreement with AJR Media Group for the creation of advertising campaigns to support the work of the San Marcos Convention and Visitor Bureau in the estimated annual amount of \$79,950 and authorizing three one-year additional renewals for a total contract price of \$240,000; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of the agreement; and declaring an effective date.
7. Consider approval of Resolution 2019-246R, approving a renewal of the advertising agreement with Media Powers for the creation of advertising campaigns including print ads in USA Today and other publications to support the work of the San Marcos Convention and Visitor Bureau in the estimated annual amount of \$23,172 and authorizing three one-year additional renewals and ratifying previous annual contracts for a total contract price of \$141,182; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of the agreement; and declaring an effective date.
8. Consider approval of Resolution 2019-247R, approving a renewal of the advertising agreement with Trip Advisor for the creation of internet advertising campaigns to support the work of the San Marcos Convention and Visitor Bureau in the estimated annual amount of \$55,000.00 and authorizing three additional one-year renewals for a total contract price of \$165,000; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of the agreement; and declaring an effective date.
9. Consider approval of Resolution 2019-248R, approving the first amendment to the Interlocal Agreement between the City and Texas State University relating to the implementation of the Edwards Aquifer Habitat Conservation Plan to include removal of non-native plants, Texas wild rice enhancement, removal of floating plants, and

management of key recreation areas; authorizing the City Manager or his designee to execute the amendment on behalf of the City; and declaring an effective date.

**Mayor Pro Tem Mihalkanin abstained from a vote on this item as he is employed by Texas State University.**

**A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2019-248R. The motion carried by the following vote:**

**For:** 5 - Council Member Derrick, Mayor Hughson, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

**Abstain:** 1 - Mayor Pro Tem Mihalkanin

10. Consider approval of Resolution 2019-249R, approving the award of a Predevelopment Services Agreement with Hunt Companies, Inc. in the not-to-exceed amount of \$1,500,000 for pre-development services relating to the new Public Services Complex; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to approve Resolution 2019-249R. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

11. Consider approval of Resolution 2019-250R, approving a Change in Service to the Engineering Services agreement with Lockwood, Andrews & Newnam, Inc. (contract no. 218-307), relating to the Purgatory Creek Improvement Project, to provide for 30 percent design phase engineering services in the estimated amount of \$1,694,774; authorizing the city manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
12. Consider approval, by motion, of Change in Service No. 1 for Recreation Engineering and Planning for bidding assistance and construction inspection services for the Rio Vista Falls Repair Project in an amount not to exceed \$42,600.00.

## **PUBLIC HEARINGS**

13. Receive a Staff presentation and hold a Public Hearing to receive comments for or

against Ordinance 2019-45, amending various sections of the City's Land Development Code to, among other things, address typographical and technical errors, implement recommendations of the Historic Preservation Commission to restrict the painting of masonry in the downtown historic district, and to implement changes in response to new laws enacted during the 2019 Legislative Session; amending Section 86.188 of the San Marcos City Code to require new development to have underground electric utilities, to require overhead electric service installations to be on steel poles, and to establish certain standards for electric easements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and Consider approval of Ordinance 2019-45, on the first of two readings.

**Amanda Hernandez, Development Services Manager, provided Council with a presentation that outlined amendments to various sections of the City's Land Development Code that addressed typographical and technical errors, implementing recommendations of the Historic Preservation Commission to restrict the painting of masonry in the downtown historic district, and to implement changes in response to new laws enacted during the 2019 Legislative Session. She also identified amendments to Section 86.188 of the San Marcos City Code to require new development to have underground electric utilities, to require overhead electric service installations to be on steel poles, and to establish certain standards for electric easements.**

**Mayor Hughson opened the Public Hearing at 7:23 p.m.**

**Those who spoke:**

**Roland Saucedo, thanked staff for their work. He expressed his support for these revisions. He would like to see some part of the joint meeting between the Council and the Planning and Zoning Commission included. In regards to the Land Development Code, there is a section that states if a developer commits 10% of their development project to affordable housing, they would be granted another level. He asked that this process be expedited because housing is important.**

**There being no further comments, the Mayor closed the Public Hearing at 7:26 p.m.**

**Council held discussion and provided amendments on a few items for Staff to bring back on second reading. The following items were addressed and will be provided in the December 17th meeting agenda packet.**

- 1) (Redline #47) Remove letter "e" which is duplicate language from the SMEU Service Standards Manual**
- 2) (Redline Item #16) Add a standard for Townhome and Zero Lot Lime**

Homes which limits these elongated lots to a 6:1 depth-to-width ratio.

3) (Redline Item #7) Ensure 2.5.5.1 is consistent with Redline Item #25 regarding painting of unpainted masonry.

4) (Redline Item #25) Provide a definition for masonry as it applies to the Downtown Historic District. A list of materials was provided based on the Secretary of the Interior Standards for Treatment of Historic Properties.

5) (Redline Item #25) Include Mural Arts Commission approval

6) (Redline Item #25) Provide the following criteria for approval: exterior paint colors and appropriate time period. These criteria for approval were added to the process in Redline Item #7

7) (Redline Item #25) Ensure that requests may be presented to HPC if administrative approval is not available. This process is in Redline Item #7.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2019-45, on the first of two readings. The motion carried by the following vote:

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

## NON-CONSENT AGENDA

14. Consider approval of Resolution 2019-238R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Lantana on Bastrop Multifamily Housing Project located at the intersection of South Old Bastrop Highway and Rattler Road; approving findings related to the application; imposing conditions for such non objection; providing authorizations for execution or submission of documents related to the application; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Mayor Hughson, to approve Resolution 2019-238R.

After Council held discussion. The motion failed by the following vote:

**For:** 2 - Mayor Hughson and Mayor Pro Tem Mihalkanin

**Against:** 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

**Absent:** 1 - Council Member Gonzales

15. Discuss and consider appointments or reappointments to Positions One, Four, Eight and



Nine of the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors, and provide direction to Staff.

**A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to approve the appointment of the following to the Tax Increment Reinvestment Zone (TIRZ) Number 4 - Paso Robles (now known as Kissing Tree) Board of Directors:**

**Position 1 - Heather Hurlbert**

**Position 4 - Laurie Moyer**

**Position 8 - Erin Zwiener or designee**

**Position 9 - Donna Campbell or designee**

**The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

- 16.** Discuss and consider appointments or reappointments to Positions One and Five of the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors, and provide direction to Staff.

**A nomination was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick nominating Mayor Hughson (to serve in Position 1) and Bobby Warren (to serve in Position 5) on the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors.**

**A nomination was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker nominating Kyle Mylius to serve in Position 5 on the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors.**

**After a roll call vote Kyle Mylius received 3 votes and Bobby Warren received 3 votes. The motion to approve this appointment failed as there was no majority.**

**MOTION: a motion was then made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker to approve the appointment of Mayor Hughson to serve in Position 1 on the Tax Increment Reinvestment Zone (TIRZ) No. 5 (Downtown) Board of Directors. The motion to approve this appointment carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

17. Consider the appointment of a City Council Member to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition, and provide direction to Staff.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker to appoint Mayor Hughson to the Capital Area Council of Governments (CAPCOG) Clean Air Coalition. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

#### **EXECUTIVE SESSION (if necessary)**

18. Executive Session in accordance with the following Government Code Section(s):

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Hays County Municipal Utility District No. 8., to receive a staff briefing and deliberate regarding Martindale ETJ Matters, and to receive a staff briefing and deliberate regarding Kyle ETJ Matters

B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Molly

C. Section § 551.072 - Real Property: acquisition of property in Downtown San Marcos for Public Use

**A motion was made by Council Member Derrick, seconded by Council Member Baker, to enter into Executive Session at 8:27 p.m. The motion carried by the following vote:**

**For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 1 - Council Member Gonzales

#### **DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION**

19. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Hays County Municipal Utility District No. 8., to receive a staff briefing and deliberate regarding Martindale ETJ Matters, and to receive a staff briefing and deliberate regarding Kyle ETJ Matters

B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Molly

C. Section § 551.072 - Real Property: acquisition of property in Downtown San Marcos for Public Use

**The City Council completed Executive Session at 9:07 p.m.**

**Mayor Hughson stated the following regarding Executive Session items A, B, and C:**

**A. No action was taken on item A**

**B. Direction was provided to Staff on Item B**

**C. Direction was provided to Staff on Item B**

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to adjourn the regular City Council Meeting at 9:10 p.m.**

**The motion to adjourn carried by the following vote:**

**For:** 5 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

**Against:** 0

**Absent:** 2 - Council Member Gonzales and Council Member Derrick

**Tammy K. Cook, Interim City Clerk**

**Jane Hughson, Mayor**